

**ALICE WALSH.**

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JUNE 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

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**Mr. GRAFF**, from the Committee on Claims, submitted the following

**REPORT.**

[To accompany H. R. 2853.]

The Committee on Claims, to whom was referred the bill (H. R. 2853) for the relief of Alice Walsh, having had the same under consideration, beg leave to report the bill back to the House with the recommendation that it do pass.

Your committee are of the opinion that the fact of the nonpresentation of the certificate for \$200 for a period of thirty-one years is sufficient proof of its loss or destruction.

The facts are set forth in the following documents:

TREASURY DEPARTMENT,  
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,  
Washington, D. C., December 22, 1897.

SIR: In reply to your inquiry for information in regard to pay for a certificate for \$200 issued to Patrick F. Duggan, for services in the Freedmen's Bureau in August and September, 1867, and for \$40, for which no certificate was issued, I have to inform you that the records of the Adjutant-General's Office show that Patrick F. Duggan was appointed an agent in the State of Texas, to date from June 1, 1867, at a salary of \$100 per month, and that he died October 13, 1867. He was paid for the months of June and July, 1867, and a certificate (certified account or voucher) for \$200 issued for the months of August and September, 1867. The \$40 covered the twelve days in October, 1867.

In March, 1878, Alice Walsh, of Stearns County, Minn., made application, as sister of Patrick F. Duggan, for this pay. The claim was suspended for evidence of her relationship to deceased, but none has ever been furnished.

The rules and decisions of the Treasury Department prohibit the payment of sums for which certified accounts or vouchers have been issued, except upon the production of such evidence of indebtedness or upon proof of their absolute destruction.

If it can be shown that Alice Walsh is the sister of the deceased Duggan, and his only surviving heir, an account may be stated in her favor for the sum of \$40, but no payment of the same can be made until Congress shall make an appropriation for that purpose.

Respectfully, yours,

W. W. BROWN, *Auditor.*

Hon. PAGE MORRIS,  
*House of Representatives.*

OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,  
Washington, D. C., December 19, 1896.

SIR: The letter of J. E. C. Robinson, of St. Cloud, Minn., to you addressed, was received in this office on the 17th instant.

Upon examination of records formerly in the office of the Third Auditor, but now in this office, it has been ascertained that the claim of Alice Walsh, one of the sisters of Patrick F. Duggan, deceased, was suspended by the Third Auditor in July, 1878, and Mr. Hennel Stevens, of Brazoria, Tex., her attorney, advised of the cause thereof.

Papers show that Duggan was paid for his services in June and July, 1867, the sum of \$200, and that for the months of August and September he received a certificate for \$200, and that he earned the sum of \$40 for twelve days' services in October, 1867, of which there is no evidence of payment.

The certificate for \$200 should be presented or its absolute destruction proved before payment of that sum can be made. If this can be done, then payment can be made of the whole balance due to any person who shall show by the certificate of the clerk of the proper court, under its seal, that he has been appointed and qualified as administrator of the estate of Patrick F. Duggan, and is still recognized as such. These letters should be taken out at the last domicile of decedent.

If such proof can not be furnished, no payment can be made of the \$200, but the sum of \$40 may be paid to the person who shall show that she is the only surviving sister of said decedent. When the claim was suspended it appeared that there were two sisters, but it is now alleged that there is but one, the mother of your correspondent, but whether she was or is Alice Walsh does not appear.

In conclusion, I will reiterate that if the destruction of the certificate can be proved the sum of \$240 may be allowed to an administrator.

If it can not be proved, the sum of \$40 may be allowed to the surviving sister upon proof that she is such and the only surviving heir.

The letter from Mr. Robinson is returned and official envelope addressed to your correspondent inclosed.

Respectfully, yours,

T. STOBO FARROW,  
Auditor.

HON. CHARLES A. TOWNE,  
House of Representatives.

OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,  
Washington, D. C., January 9, 1897.

SIR: In reply to your letter of the 8th instant, relating to the claim of Patrick F. Duggan, for services in the Freedman's Bureau, you are respectfully informed that the rules and decisions of the Treasury Department prohibit the payment of sums for which certificates or vouchers have been issued, except upon the production of such evidences of indebtedness, or upon proof of their absolute destruction. The report from the offices of the Adjutant-General of the Army shows that a certificate for \$200 was given to Duggan for services rendered in the months of August and September, 1867, and that he earned \$40 for twelve days' service in October of said year, for which no payment appears to have been made.

If it can be shown that Alice Walsh is the sister of the deceased Duggan, and his only surviving heir, an account may be stated in her favor for the sum of \$40; but no payment of the same can be made until Congress shall make an appropriation for the amount.

Respectfully, yours,

T. STOBO FARROW,  
Auditor.

HON. CHARLES A. TOWNE,  
House of Representatives.

STATE OF MINNESOTA, County of Stearns, ss:

J. E. C. Robinson, appearing personally before me and being by me first duly sworn, doth depose and say that he is a son of the above-named claimant, Alice Walsh; he resided for many years and up to May, 1878, with his aunt, Mrs. Charles Stewart, at Melrose, Minn.; Mrs. Stewart was a sister of the deceased Duggan, and during her life had made claim, as one of his heirs, for his estate; the said Mrs. Stewart moved from Melrose, Minn., in the fall of 1877 to Bertram, near Cedar Rapids, Iowa; affiant accompanied her and resided with her; that the said Mrs.

Stewart died at Bertram the following spring (May, 1878); that affiant was with her at the time of her death; that she left no children surviving her, and that the above-named Alice Walsh is the only surviving heir of the deceased Patrick F. Duggan.

J. E. C. ROBINSON.

Subscribed and sworn to before me this 6th day of March, A. D. 1897.

[SEAL.]

J. I. DONOHUE,

Notary Public, Stearns County Minn.

STATE OF MINNESOTA, *County of Stearns, ss:*

Alice Walsh, appearing personally before me, and being by me first duly sworn, doth depose and say that she is the same and identical Alice Walsh who, many years ago, sought to recover the estate of the deceased, Patrick F. Duggan; the said Patrick F. Duggan was her brother; the Mrs. Stewart mentioned in the affidavit of J. E. C. Robinson was her sister; affiant is informed and believes that the said Mrs. Stewart died in 1878 at Bertram, Iowa; she left her surviving no issue; her husband, Charles Stewart, is also dead; and affiant is the only surviving heir of the deceased Duggan.

ALICE (her x mark) WALSH.

Subscribed and sworn to before me this 6th day of March, A. D. 1897.

[SEAL.]

J. I. DONOHUE,

Notary Public, Stearns County, Minn.

STATE OF MINNESOTA, *County of Stearns, ss:*

J. E. C. Robinson, appearing personally before me, and being by me first duly sworn, doth depose and say that the said Patrick F. Duggan left him surviving two sisters and no other heirs, the above claimant, Alice Walsh, mother of affiant, and Mary Stewart, who for many years resided at Melrose, county and State aforesaid; affiant made his home with his aunt, Mary Stewart; the said Mary Stewart had no family; affiant accompanied her and her husband to Bertram, Iowa, with the intention of making his home with them; in the spring of 1878, in said town of Bertram and State of Iowa, the said Mary Stewart died; affiant was with her constantly during her illness, and was present at her death; for some years after affiant lived with the husband of the deceased Mary Stewart in the State of Kansas; said husband of Mary Stewart is also dead; affiant is well acquainted with the circumstances of the heirs of Patrick F. Duggan, viz, Alice Walsh and Mary Stewart, shortly after the death of said Duggan making application and claiming, and were looked upon as the heirs of said deceased Duggan; the said Alice Walsh is now the only and lawful heir of said Duggan; that through no fault of hers has this matter been permitted to drag so long; the said Alice Walsh is now aged, a widow, and in almost destitute circumstances.

J. E. C. ROBINSON.

Subscribed and sworn to before me this 24th day of November, A. D. 1897.

[SEAL.]

J. I. DONOHUE,

Notary Public, Stearns County, Minn.

STATE OF MINNESOTA, *County of Stearns, ss:*

Alice Walsh, appearing personally before me and being by me first duly sworn, doth depose and say that she is the same Alice Walsh whose name appears in the files of the Department as an heir of the above Patrick F. Duggan, deceased. Mary Stewart, whose name also appears in said files as an heir of said Duggan, was a sister of affiant. At that time affiant and said Mary Stewart were the only surviving heirs of said Duggan. Affiant is informed and believes that said Mary Stewart died in May, 1878, at Bertram, Lynn County, Iowa. Affiant is the only surviving heir of said Duggan. She is now a widow, aged, and without visible means of support.

ALICE (her x mark) WALSH.

Subscribed and sworn to before me this 24th day of November, A. D. 1897.

[SEAL.]

J. I. DONOHUE,

Notary Public, Stearns County, Minn.

